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Richard Revesz
Director
American Law Institute
Philadelphia, PA 19104

Dear Director Revesz:

The U.S. Chamber of Commerce (“the Chamber”) believes the American Law Institute (“ALI”) should abandon the proposed copyright restatement ALI is undertaking. Copyright-based industries add more than \$1.5 trillion to the U.S. economy and support more than 11 million American jobs. Many of the Chamber’s members, including many small businesses, rely on copyright protections to prevent unfair competition in the marketplace at home and abroad.

The Chamber believes that a restatement is not necessary, as the Copyright Act is a federal statute. Those concerns are heightened as the ALI has, in some instances, rephrased the statutory language of the Copyright Act, rather than interpret the statute as written.

When you addressed the Chamber seven years ago, you stated the ALI “think[s] of a Restatement as what a great common law judge would do...” Indeed, common law on the Federal level is limited in scope and then only when there is no controlling Federal statute. That is not the case with copyright.

Further concerns arise from the process itself. Copyright scholars have noted the unwillingness of the project leadership to accommodate legitimate comments and concerns about the substance of the drafts. This may indicate a predetermined outcome that is not in line with existing statutes or their interpretation by the courts.

The ALI’s copyright project has been the subject of intense criticism from many quarters. Three successive Registers of Copyrights have publicly stated their concerns, as did the Director of the U.S. Patent and Trademark Office. A bipartisan group of Members of Congress also voiced concerns, including Senator Thom Tillis, then-Chairman and now Ranking Member of the Senate Intellectual Property Subcommittee. Additionally, several leading copyright academics have raised their concerns about the ALI process.

Despite this chorus of criticism of every aspect of this project from its own advisors, industry

groups, government experts, and elected officials, the ALI has made no apparent effort to address the process concerns, calling into question the credibility of the project.

We believe ALI should abandon this effort.

Sincerely,

A handwritten signature in black ink, appearing to read 'TK' followed by a long, sweeping horizontal line that extends to the right.

Tom Quadman